

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, September 10, 2009**

LOCATION: Needham Public Library

ATTENDING: Lisa Standley, Sharon Soltzberg, Dawn Stolfi Stalenhoef, Marsha Salett, Paul Alpert, Carl Shapiro, Kristen Phelps (Agent), Amy Holland (Administrator)

GUESTS: Irene Roche, Janice Schmidt, Mark Allen, Jim Duffy, Mary Trudeau, Stephen Smith, Christopher Wagner, Tiffany Shaw

L. Standley opened the meeting at 7:30 p.m.

PUBLIC HEARINGS

SOUTH STREET (DEP File #234-561) – NOTICE OF INTENT

L. Standley opened the continued public hearing at 7:45 p.m. She stated that the Applicant had submitted a letter requesting a continuance until September 24, 2009 while they pursue approval of a septic system design with the Board of Health. **Motion to continue the public hearing for DEP File # 234-561 (at applicant's request) to September 24, 2009 at 7:45 p.m. by Carl Shapiro, seconded by Sharon Soltzberg, approved 6-0-0.**

305 DEDHAM AVENUE (DEP File #234-563) – NOTICE OF INTENT

L. Standley opened the continued public hearing at 7:45 p.m. Stephen Lake of Bennett Engineering was present on behalf of the Applicant. He explained the changes to the plan made since the last hearing on this matter including the addition of an infiltration system and driveway trench drain and reconfiguration of the proposed driveway. He added that the Applicant would also like to clear the area beyond the 50-foot buffer zone to the north of the proposed driveway to create a lawn. S. Soltzberg asked how many trees would be removed from the proposed lawn area. S. Lake replied that he did not have that information as the proposed work in this area was only recently requested by the Applicant. M. Salett noted that the Commission would like information on the character of the area to be cleared. C. Shapiro suggested that the Applicant flag the trees they would like to remove from the proposed lawn area prior to the next meeting and asked K. Phelps to review and provide feedback. **Motion to continue the public hearing for 305 Dedham Avenue (for review of site) to September 24, 2009 at 7:45 p.m. by Paul Alpert, seconded by Carl Shapiro, approved 6-0-0.**

21 & 33 HIGHLAND AVENUE (DEP File #234-564) – NOTICE OF INTENT

L. Standley opened the continued public hearing at 8:00 p.m. She noted that the hearing had been continued for a DEP File number and permission from Mass Highway, both of which have been submitted. **Motion to close the public hearing for DEP File # 234-564 by Marsha Salett, seconded by Carl Shapiro, approved 6-0-0.** The Commission reviewed the draft Order of Conditions. **Motion to issue the Order of Conditions (as amended) for DEP File # 234-564 by Paul Alpert, seconded by Carl Shapiro, approved 6-0-0.**

15 ABBOTT STREET (DEP File #234-566) – NOTICE OF INTENT

L. Standley opened the continued public hearing at 8:02 p.m. Mark Allen was present on behalf of the Applicant. He reported that a DEP File number had been issued and that the state filing fee had been corrected. He distributed and reviewed the alternatives analysis for the proposed project requested by the Commission at the last hearing on this matter. He noted that the size of the house was limited by

zoning setbacks which constrain the buildable area on the lot to 38% of the total lot area and argued that the preferred project design would have the least impact on Riverfront Area. **Motion to close the public hearing for DEP File # 234-566 by Paul Alpert, seconded by Sharon Soltzberg, approved 6-0-0.**

0 SUNSET ROAD (DEP File #234-56X) – NOTICE OF INTENT

L. Standley opened the continued public hearing at 8:15 p.m. She noted that a DEP File # had not been issued, therefore the Commission could not close the public hearing. M. Trudeau and D. Simonelli were present on behalf of the Applicant. M. Trudeau reviewed the project site, noting that the 10,000 square foot lot was created in 1984 by combining two smaller lots (6A and 7F) and that a separate, unbuildable lot (lot 7J) to the rear of the subject property is also owned by the Applicant. She stated that the buildable lot (6A & 7F) was separated from Rosemary Brook and the associated bordering vegetated wetland by land associated with the abutting house at 2 Sunset Road. She explained the proposed project which involves constructing a new, single-family dwelling within buffer zone and Riverfront Area. She described the lot as being disturbed, but not degraded as it is defined in the Riverfront regulations and noted that much of the property is in a manicured condition. She provided photographs of the property, and encouraged the Commission to conduct a site visit to observe existing conditions. M. Trudeau reviewed how the proposed project meets performance standards under the Riverfront Area regulations. The project will alter less than 5,000 square feet of Riverfront Area, and because it is not possible to maintain or create a 100 foot vegetated corridor between the project and the stream, mitigation plantings are proposed on lot 7J. She reviewed the proposed mitigation plan, noting that the mitigation area was largely devoid of a shrub layer and the intent was to plant shrubs up to the wetland line. L. Standley stated that wetland restoration may be required on the rear lot (in addition to the proposed mitigation planting plan). D. Stolfi Stalenhoeft added that the Commission should consider requiring a deed restriction on lot 7J to ensure that the plants remained following construction. The Commission agreed that they would like to schedule a site visit to review the project site. **Motion to continue the public hearing for 0 Sunset Road (for site visit and file #) to September 24, 2009 at 8:15 p.m. by Paul Alpert, seconded by Marsha Salett, approved 6-0-0.** The Commission scheduled a site visit for Monday, September 21, 2009 at 7:30 a.m.

484 DEDHAM AVENUE (DEP File #234-565) – NOTICE OF INTENT

L. Standley opened the public hearing at 8:30 p.m. Project Manager Tiffany Shaw (PPBC) was accompanied by Stephen Smith of GHC, Inc. and Christopher Wagner of Carr Research Labs. C. Wagner explained the proposed project which involves dewatering and excavating contaminated soils which were discovered while excavating for the stormwater structure being installed as part of the Public Service Administration Building project at 500 Dedham Avenue. C. Wagner stated that most of the excavation will occur within an area that is currently paved, with a small portion of the excavation extending into the adjacent lawn area. He noted that the application was submitted as a limited project and reviewed the alternative analysis required under 310 CMR 10.53 (3)(q). S. Smith described the dewatering and treatment process, and explained that the once dewatering was completed, impacted soil would be removed from a 30' x 20' area to a depth of six feet. In response to questions regarding the extent of contamination, he stated that fourteen borings and seven wells were used to determine the limits of the impacted area, and he expressed his confidence that they had accurately estimated the limits of contamination. **Motion to close the public hearing for DEP File # 234-565 by Dawn Stolfi Stalenhoeft,, seconded by Sharon Soltzberg, approved 6-0-0.** The Commission reviewed the draft Order of Conditions. **Motion to issue the Order of Conditions (as amended) for DEP File # 234-565 by Paul Alpert, seconded by Dawn Stolfi Stalenhoeft,, approved 6-0-0.**

COMMISSION ACTIONS

232 COUNTRY WAY (DEP File #234-558) – Review of Mitigation Planting Plan

Property owner Irene Roche was accompanied by Landscape Architect Janice Schmidt. She requested that the Commission approve the mitigation planting plan with a reduction in the number of total plants from the 49 specified on the plan to 30 as required by the Order of Conditions. **The Commission unanimously approved the mitigation plan as modified.** K. Phelps stated that a second plan showing additional landscaping beyond what was permitted as part of the pool removal project had been submitted on a separate plan. L. Standley explained that the additional plantings weren't included in the original approved plan and that the Applicant would need to file a Request to Amend the existing Order if she wished to undertake the supplemental landscaping work. She added that there is an exemption for planting native, non-invasive species and explained why there was a heightened level of review for plantings that are not native to this area. She noted that if the Applicant chose to limit the new plantings to native species, an amendment would not be necessary. The Applicant indicated that she would likely seek an amendment at the Commission's next hearing.

145 WEBSTER STREET (DEP FILE # 234-545) – Request for Certificate of Compliance

K. Phelps stated that the work was done in accordance with the Order; however the site had not been stabilized (erosion controls are still in place). The Applicant was informed that they could not get final approval until the exposed areas had been stabilized. **Motion to deny the Request for Certificate of Compliance for DEP File # 234-545 by Marsha Salett, seconded by Carl Shapiro, approved 6-0-0.**

ALGONQUIN GAS TRANSMISSION / MARY CHILTON ROAD (DEP File # 234-475) – Request for Certificate of Compliance

K. Phelps stated that the Applicant had not yet resolved the encroachment issue (building constructed on Town-owned conservation land) as required by the Order of Conditions. **Motion to deny the Request for Certificate of Compliance for DEP File # 234-475 by Paul Alpert, seconded by Carl Shapiro, approved 6-0-0.**

OTHER BUSINESS

LOT 2 WOODWORTH ROAD (DEP File # 234-491) – Request for Extension

LOT 3 WOODWORTH ROAD (DEP File # 234-490) – Request for Extension

M. Trudeau was present on behalf of property owner Pamela Shaw. She stated that the owner has been unable to sell the lots for the past three years, and given the state of the economy, she was seeking a three year extension (to November 13, 2009). The Commission pointed out that their regulations only allow a one year extension (though the bylaw allows for a single, three-year extension). The Commission discussed whether they had the latitude to issue a three year extension given the current limits in the regulations, and agreed that they would like to amend the regulations to be consistent with the bylaw. The Commission suggested that the request for extension be tabled until the regulations have been amended to permit the issuance of a three year extension. On behalf of her client, M. Trudeau agreed to this proposal.

CAROL ROAD/BREWSTER DRIVE – Discussion of first refusal option under MGL Ch. 61A

L. Standley stated that she and Janet Bernardo attended a meeting with representatives from the Board of Selectmen, Finance Committee, Park & Recreation Commission and Community Preservation Committee to discuss the Town's right of first refusal to purchase the two lots on Carol Road / Brewster Drive. The Town submitted a request for the full purchase price of the two lots to the Community Preservation Committee, and the CPC is considering whether to recommend funding this request out of the "open space" allocation of the CPA Fund. L. Standley noted that the CPC is looking for feedback from the full Commission as to whether they support the acquisition of these parcels. She stated that the

fundamental question raised at this meeting (in terms of the Commission's input), was whether acquiring these parcels justified the depletion of the open space allocation. M. Salett reiterated the Commission's earlier comments about this property, noting that that the site was partially cleared and marginal in terms of conservation value. She stated that if money were not an issue she would support the request; however, given limited funds and the need to prioritize, this land was not where she would expend open space funds. The Commission agreed that they did not want to deplete the open space funds and miss an opportunity for future acquisition of land with greater conservation value.

PROPOSED CPA PROJECT – NEHOIDEN STREET

L. Standley stated that she informed Sheila Pransky of Needham Opportunities, Inc. that the Commission would not support their application for CPA Open Space funds to cover a portion of the purchase price for 198-200 Nehoiden Street affordable housing project.

Meeting was adjourned at 9:08 p.m.

Next Meeting: Thursday, September 24, 2009 at the Needham Public Library Community Room

Respectfully submitted,

Kristen Phelps